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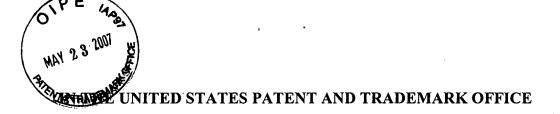
10/569,077-Conf. #2613

Filing Date
First Named Inventor
David S. GARVEY

Art Unit
David S. GARVEY

HAVLIN, R.

(to be used for all correspondence after initial filing) Attorney Docket Number 2 0102258.00172US5 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication Fee Transmittal Form Drawing(s) Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Appeal Communication to TC x Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please Extension of Time Request Terminal Disclaimer Identify below): **Express Abandonment Request** Request for Refund Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name WILMER CUTLER PICKERING HALE AND DORR LLP Signature Printed name Belinda Lew Date Reg. No. May 23, 2007 53.212



In re the Application of: Garvey et al

Application No: 10/569,077 Group Art Unit: 1609

Filed: February 21, 2006 Examiner: R. Havlin

For: Nitrosated and Nitrosylated Cardiovascular Compounds, Compositions and

Methods of Use

Attorney Docket No: 102258.172 US5

Commissioner of Patents

PO Box 1450

Alexandria, VA 22313-1450

Provisional Response to Restriction Requirement and Request for Reconsideration of Restriction Requirement Under 37 C.F.R. § 1.143

I. Introductory Comments

This response is submitted in reply to the Restriction Requirement dated May 11, 2007, for which a response is due on or before June 11, 2007.

No fee is believed to be due; however, the Commissioner is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 08-0219 to maintain the pendency of the present application.

II. Provisional Response to Restriction Requirement

Applicants provisionally elect Group I, claims 1-6, 13-17, and 23-25¹ drawn to a product with a nitro group, with traverse.

Additionally, Applicants elect the following species compound, with traverse: the compound of Example 1, ethyl (2S)-2-(((1S)-2-(((1S)-2-(((1S,2S,5S,6R)-6-(nitrooxy)-4,8-dioxabicyclo(3.3.0)oct-2-yl)oxycarboyl)pyrrolidinyl-1-methyl-2-oxoethyl)amino)-4-phenylbutanoate, with the following structure:

¹ Applicants assume that the Examiner intended to refer to claims 23-25, not claims 23, 24, and 26. Claims 1-25 are currently pending in the application.